

REMARKS

Claims 19-28 have been cancelled. Claims 1, 37, and 38 have been amended to clarify the subject matter regarded as the invention. Claims 1-18 and 29-38 are pending.

Claim Rejections – 35 U.S.C. §103(a)

The Examiner has rejected Claims 1-6, 18, 37, and 38 under 35 U.S.C. §103(a) as being unpatentable over Schultz et al. (U.S. 2003/0065926) and Jordan (7,210,040). The Examiner has rejected Claims 7, 8, 10, 12-17, and 29-34 under 35 U.S.C. §103(a) as being unpatentable over Schultz and Jordan in view of Tajalli et al. (U.S. 2004/0143749). The Examiner has rejected Claims 9, 11, 35, and 36 under 35 U.S.C. §103(a) as being unpatentable over Schultz and Jordan in view of Khazan et al. (U.S. 2005/0108562). The rejections are respectfully traversed.

As amended, independent Claims 1, 37, and 38 each recite “perform[ing] a predetermined responsive action with respect to the process if the second risk level exceeds the threat detection threshold,” where the “process” is one “started by the executable” and where the “second risk level” is “higher than [a] first risk level.” In Schultz, static analysis is performed on executable attachments. Accordingly, Schultz does not disclose “perform[ing] a predetermined responsive action with respect to the process if the second risk level exceeds the threat detection threshold.” Regarding Jordan, as explained in the Remarks accompanying Amendment C, Jordan describes a system for detecting computer viruses that includes an emulator. Jordan explains that “[w]hile the program file is being **emulated**, monitor component 32 monitors the code execution... [and] detector component 33 detects an attempt by the **emulated** code to access one or more of the restricted computer system resources.” (5:38-47). The system of Jordan thus also does not disclose “perform[ing] a predetermined responsive action with respect to the process if the second risk level exceeds the threat detection threshold.” Independent Claims 1, 37, and 38 are therefore believed to be allowable.

Claims 2-18 and 29-36 depend from Claim 1 and are believed to be allowable for the same reasons described above.

The foregoing amendments are not to be taken as an admission of unpatentability of any of the claims prior to the amendments.

Reconsideration of the application and allowance of all claims are respectfully requested based on the preceding remarks. If at any time the Examiner believes that an interview would be helpful, please contact the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. Wagner", with a long, sweeping horizontal stroke at the end.

Robyn Wagner
Registration No. 50,575
V 408-973-2596
F 408-973-2595

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VAN PELT, YI & JAMES LLP
10050 N. Foothill Blvd., Suite 200
Cupertino, CA 95014